

**REMARKS**

Claims 1 through 21 remain in this application.

**Claim Rejections Under 35 U.S.C. 103**

The Office Action rejected claims 1, 2-4, 5, 6-7, 10-17 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,584,071 to Kodialam et al. (the Kodialam reference) in view of an Internet Draft from the IETF PPVN WG entitled, “Generic VPLS Solution based on LPE Framework,” by Radoaca et al. (the Radoaca reference). However, there are clear errors in the rejection in that neither the Kodialam reference nor the Radoaca reference, either alone or in combination, disclose or suggest the requirements of the claims. As such, the Office Action has failed to provide a prima facie case of obviousness under 35 U.S.C. §103(a).

**Independent Claim 1 and Dependent Claims 2 through 20**

The Office Action has failed to provide a prima facie case of obviousness under 35 U.S.C. §103(a) because it has not shown that the cited references disclose or suggests the elements, *inter alia*, of claim 1 of, “computing a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network.” As described in the specification in paragraphs 7, 8 and 9, there are certain attributes to a VPLS, “First, more than one VPLS may be included in a single MEN and, thus, certain PE nodes of that MEN may be a part of more than one VPLS. Second, with a multiple VPLS MEN, an L2PE node may support more than one VPLS, where each such VPLS has its own respective homing, that is, for each VPLS, that L2PE has a connection to one (and only one) PE node in the MEN. Given the various nodes, attributes, and connectivity described above and known in the art, complexities arise in traffic engineering with such parameters, that is, in establishing network communications, appropriate numbers of VPLSs, connectivity, and efficient use of bandwidth. These complexities arise both in establishing these parameters in a new network for the first time as well as modifying that network if one or more

factors change over time, such as when a new VPLS is added. These complexities are further complicated by the desire to include 1+1 protection in a network, whereby a first set of parameters are provided, sometimes referred to as a primary network, but are supplemented by a second set of parameters, sometimes referred to as a secondary or backup network, to operate should the first network become inoperable.” Thus, as described above, there are unique complexities in establishing paths for a plurality of VPLS’ in a MEN.

The Kodialam reference nowhere discloses a VPLS or even computing a plurality of sets of different homing configurations. As described in the Kodialam reference at column 3, lines 2 through 10, it merely describes routing a path through a network, such as an LSP. As stated at column 6, lines 60 through 63, “Routing in accordance with the present invention evaluates and routes the LSP along paths through the network between ingress-egress point pair.” There is no discussion of a VPLS in an Ethernet network or homing configurations, nevertheless, “computing a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network,” as required by claim 1.

The Radoaca reference fails to add to the teachings of the Kodialam reference to suggest the requirements of the claims. Though the Radoaca reference describes VPLS in an Ethernet network in general, on page 11 it merely states that a VPLS provisioning includes the step of, “Each N-PE has knowledge about any remote N-PE [using N-PE-ID]. In order to get such information, an auto-discovery protocol can be used (ex. BGP ). Following this step, the LDP sessions and/or VPLS tunnels are provisioned/generated between the N-PE devices.” Such a general statement fails to describe or suggest the complex steps performed by a processing device, *inter alia*, in claim 1 of, “computing a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network.”

Since neither the Kodialam reference or the Radoaca reference address the complexities of determining homing paths for a plurality of VPLS' in an Ethernet network, the references fail to teach or suggest the requirements of claim 1. Furthermore, as dependent claims to claim 1, claims 2 through 20 add further patentable matter to claim 1 and thus are further differentiated and patentable under 35 U.S.C. §103 over the Kodialam reference in view of the Radoaca reference.

#### Independent Claim 21

The Office Action has failed to provide a prima facie case of obviousness under 35 U.S.C. §103(a) because it has not shown that the cited references disclose or suggest the elements, *inter alia*, of claim 21 of, “determining a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network.”

The Kodialam reference nowhere discloses a VPLS or even computing a plurality of sets of different homing configurations. As described in the Kodialam reference at column 3, lines 2 through 10, it merely describes routing a path through a network, such as an LSP. As stated at column 6, lines 60 through 63, “Routing in accordance with the present invention evaluates and routes the LSP along paths through the network between ingress-egress point pair.” There is no discussion of a VPLS in an Ethernet network or homing configurations, nevertheless, “determining a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network,” as required by claim 21.

The Radoaca reference fails to add to the teachings of the Kodialam reference to suggest the requirements of the claims. Though the Radoaca reference describes VPLS in an Ethernet network in general, on page 11 it merely states that a VPLS provisioning includes the step of, “Each N-PE has knowledge about any remote N-PE [using N-PE-ID]. In order to get such information, an auto-

discovery protocol can be used (ex. BGP ). Following this step, the LDP sessions and/or VPLS tunnels are provisioned/generated between the N-PE devices.” Such a general statement fails to describe or suggest the complex steps, *inter alia*, in claim 21 of, “determining a plurality of sets of different homing configurations; wherein each homing configuration in each set of different homing configurations is computed by a respective iteration of steps; wherein each iteration corresponds to a respective virtual private local area network service in the plurality of virtual private local area network services and for a respective selected layer two provider edge node in the Ethernet network.”

Since neither the Kodialam reference or the Radoaca reference address the complexities of determining homing paths for a plurality of VPLS’ in an Ethernet network, the references fail to teach or suggest the requirements of claim 21.

#### CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 240-5324.

Respectfully submitted,  
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